

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RICKY ALLEN LEE, *et al.*,

Plaintiffs,

v.

ITT CORPORATION, *et al.*,

Defendants.

CASE NO. C10-0618-JCC

ORDER

This matter comes before the Court on the parties' joint motion for preliminary approval of class settlement (Dkt. No. 131), a declaration from class counsel (Dkt. No. 132), and a declaration from the mediator, Stew Cogan (Dkt. No. 133).

This litigation involves breach of contract claims brought by Defendants' former employees for alleged wage and hour violations that occurred while they were working under a General Maintenance and Supply Services ("GMASS") contract to provide services to the U.S. Army in Kuwait. (*See generally*, Dkt. No. 1.) The Court previously certified a class of "[a]ll employees of Defendant ITT Corporation or its subsidiaries who performed work under the 'GMASS' contract in Kuwait on or after April 12, 2009." (*Id.*) After an interlocutory appeal, the Ninth Circuit affirmed this Court's certification order. *See Lee v. ITT Corp.*, 652 F. App'x 535 (9th Cir. 2016). The Court granted a stay of proceedings while Defendants appeal was pending. (Dkt. No. 113.) The Court now ORDERS its stay of proceedings lifted.

Presented to the Court for preliminary approval is a settlement of the litigation as against

1 all Defendants. The terms of the settlement are set forth in the class action settlement agreement
2 (the "Settlement" or "Settlement Agreement"), executed by counsel on May 10, 2018 on behalf
3 of all of the Plaintiffs and Defendants. (*See* Dkt. No. 131 at 16–36.) Upon reviewing the
4 Settlement Agreement, the Court hereby FINDS and ORDERS as follows:

5 1. The proposed Settlement resulted from informed, extensive arm's-length
6 negotiations that took place over multiple months and were facilitated by a third-party mediator,
7 Stew Cogan. The proposed Settlement is sufficiently fair, reasonable, and adequate to warrant
8 preliminary approval. Therefore, the parties' joint motion (Dkt. No. 131) is GRANTED.

9 2. The Court will hold a fairness hearing on the parties' motion for final approval of
10 the proposed class settlement on October 16, 2018, at 9:00 a.m. The parties shall file their
11 materials in support of final approval, including class counsel's request for an award of attorney
12 fees and litigation expenses, on or before September 1, 2018. Should Defendants oppose any
13 portion of class counsel's request for attorney fees and/or litigation expenses, their opposition
14 shall be filed within two weeks of class counsel's motion. Class counsel shall then have one
15 week to file any reply.

16 3. Class counsel is directed to mail out notice of the proposed settlement to the class
17 members. The notice shall be in the form that was attached to the joint motion (Dkt. No. 131, at
18 38–40), except that the date and time for the hearing on the motion for final approval shall be
19 filled in where appropriate. The notice shall be accompanied by a request for exclusion in the
20 form that was attached to the joint motion (Dkt. No. 131, at 41).

21 DATED this 22nd day of May 2018.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE